

Article - Environment

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§2-1005.

(a) (1) The allowance penalty provisions of this section are in addition to the administrative and civil penalty provisions provided under §§ 2-604, 2-609, 2-610, and 2-610.1 of this title.

(2) Each one-half ounce of mercury and each ton of sulfur dioxide or nitrogen oxides emitted in excess of the limitations set forth or imposed in accordance with § 2-1002 of this subtitle shall be a separate violation under §§ 2-610 and 2-610.1 of this title.

(b) If, in any calendar year during the period from January 1, 2010 through December 31, 2012, a person fails to achieve and maintain full compliance with the emissions limitations established by the Department under § 2-1002(e) of this subtitle, the person shall surrender:

(1) One sulfur dioxide allowance for each ton of sulfur dioxide emitted in excess of the emission rate limitation; and

(2) One oxide of nitrogen allowance for every 2 tons of sulfur dioxide emitted in excess of the emission rate limitation.

(c) If, in any calendar year, during the period from January 1, 2009 through December 31, 2011, a person fails to achieve full compliance with the oxides of nitrogen emission limitations in § 2-1002(e) of this subtitle, the person shall surrender one oxide of nitrogen allowance for each ton of oxides of nitrogen emitted in excess of the required emission rate limitation.

(d) A person that surrenders allowances in accordance with subsection (b) or (c) of this section shall surrender the allowances to the Department's surrender account by March 1 of the year following the year in which the person failed to achieve and maintain compliance with the applicable emission limitation.

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